

**Amendment No. 1 to SB1786**

**Woodson**  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1786\***

**House Bill No. 1423**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 50, is amended by adding Sections 2 through 7 as a new, appropriately designated part:

SECTION 2. The general assembly finds that:

(a) Children in foster care are among the most at-risk children in our society. Adults formerly in foster care are more likely to be homeless, incarcerated, and dependent on state services than the general population. Children in foster care face a number of unique disadvantages and require specially tailored assistance during their school years and with the difficult transition from youth to adulthood.

(b) One (1) key factor in determining whether a child in foster care will achieve a successful transition is the quality of primary and secondary education such child receives. Unfortunately, the quality of education that too many children in foster care receive is often adversely affected by the transient and unsettled situations with which such children must cope. Compared to the general population, children in foster care have lower scores on standardized tests and higher absenteeism, tardiness, truancy, and dropout rates.

(c) A significant factor contributing to the poor quality of education received by many children in foster care is instability. Approximately half of all children in foster care will spend at least one (1) year in foster care, with twenty percent (20%) staying in foster care longer than three (3) years. Children in long-term foster care often experience multiple home placements which can result in multiple school transfers. School transfers can impose gaps in the learning cycle, as children move from classroom to classroom and must adjust to new settings, teachers, students, and, in many cases, special services. School

transfers also result in emotional instability and the loss of important friendships with peer groups. A synthesis of foster care research finds that the occurrence of fewer placements during foster care is associated with better school achievement and more years in education.

(d) Providing foster children with a scholarship to enable such children to attend a school in a district other than the resident school district will help to ensure that a child has continuity in school placement even if such child experiences frequent home transfers.

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Guardian" includes a parent, foster care parent, guardian, or other person with the authority to act on behalf of the child;

(2) "Program" means the foster child scholarship program;

(3) "Resident school district" means the public school district in which the child resides; and

(4) "Resident school zone" means the public school zone in which the child resides.

SECTION 4.

(a) The guardian of any child in foster care may choose to enroll the child in a public school in a school district or school zone other than resident school district or zone.

(b) A school need not accept a child in foster care for enrollment under this part, if space is not available for enrollment of the child or if the school cannot adequately meet any special need of the child.

(c) A child in foster care, once enrolled through the scholarship program, shall retain program eligibility regardless of subsequent placement out of the foster care system until the child graduates from high school or the child reaches twenty-one (21) years of age, whichever occurs first.

SECTION 5. For purposes of allocation of state funding, the child shall be counted as attending the resident school district. If the guardian of a child in foster care

chooses to enroll the child in a nonresident school district, the resident school district shall allocate and pay to the nonresident school district one hundred percent (100%) of the state and local education funds of the resident school district's per pupil expenditure as a scholarship to cover the nonresident school district's per pupil expenditure for educating such child. If the nonresident school district's per pupil expenditure exceeds the resident school district's per pupil expenditure, then the department of children's services shall provide the additional scholarship funding necessary to cover the cost of the child's attendance in the nonresident district. If the resident school district's per pupil expenditure exceeds the nonresident school district's per pupil expenditure, the resident school district shall return any excess funding to the state. The per pupil expenditure shall be based on the prior year average daily membership (ADM) of the school district.

#### SECTION 6.

(a) The department of children's services shall ensure that a child in foster care and the child's guardian are informed at the time the child comes into care and annually thereafter that such child of the scholarship program that enables the child to attend school in a nonresident school district or zone.

(b) The department of education shall create a standard form that a guardian may use to select a school in a nonresident school district or zone.

#### SECTION 7.

(a) The commissioner of children's services is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

(b) The commissioner of education is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 8. This act shall take effect July 1, 2007, the public welfare requiring it.